

### REMARKS

Claims 33 and 37–40 were rejected under 35 U.S.C. 103(a) over Japanese Patent Publication 09022625 (hereinafter “Ueda”) in view of U.S. Patent No. 4,437,829 to Baker and U.S. Patent No. 5,830,592 to Akagi. For the following reasons, the rejection is respectfully traversed.

The Examiner is respectfully reminded that “The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.” (MPEP § 2143.01, citing *In re Mills*.) Thus, for the following reasons, Applicants respectfully request reconsideration of the claims.

Applicants respectfully submit that one of ordinary skill in the art would find no suggestion or motivation to modify the teachings of Ueda based on the teachings of Baker. The Examiner states that it would be obvious to modify the conductor (101) of Ueda based on the teachings of Baker in order allow it to stretch. There is no teaching in any of the cited references that it is desirable for a leader, such as the conductor of Ueda, to stretch while a pulling force is applied. Moreover, Baker teaches *preventing* stretching or elongation by twisting the fuse element (60) about an *inextensible* linear member (63). (See column 4, lines 47–55.) This clearly does not imply that having a stretchable leader is *desirable*.

Further, Applicants respectfully submit that one of ordinary skill in the art would find no suggestion or motivation to modify the teachings of Ueda based on the teachings of Akagi. The Examiner states that it would be obvious to modify the conductor (101) of Ueda based on Akagi in order to have a good heat resistance. There is no suggestion in the prior art that it would be desirable for the conductor of Ueda to have good heat resistance.

Without some specific teaching or suggestion in the prior art of the desirability of modifying Ueda to arrive at the claimed invention, no *prima facie* case of obviousness can be

made to support a rejection under 35 U.S.C. 103(a). Therefore, claims 33 and 37-40 are patentable over the prior art of record.

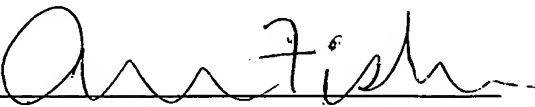
Claim 41 was rejected under 35 U.S.C. 103(a) over Ueda in view of Baker and Akagi and in further view of U.S. Patent No. 3,870,774 to Maroschak. For the following reasons, the rejection is respectfully traversed.

For the reasons explained above with regard to claims 33 and 37-40, there is insufficient motivation in the prior art to modify the teachings of Ueda in view of Baker and Akagi. Thus, for the same reason, no *prima facie* case of obviousness can be made for the purpose of supporting a rejection of claim 41 under 35 U.S.C. 103(a).

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33552.

Respectfully submitted,  
PEARNE & GORDON LLP

By:   
Aaron A. Fishman – Reg. No. 44,682

1801 East 9th Street  
Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700

Date: November 15, 2005